

Before the
Federal Communications Commission
Washington, D.C. 20554

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|---|---|-----------------------|
| Frontier Communications of the Carolinas LLC, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Proceeding No. 14-213 |
| |) | File No. EB-13-MD-007 |
| Duke Energy Progress, Inc., |) | |
| |) | |
| Respondent. |) | |
| |) | |

ORDER OF DISMISSAL

Adopted: November 9, 2015

Released: November 10, 2015

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On December 9, 2013, Frontier Communications of the Carolinas LLC (Frontier) filed with this Commission a complaint¹ against Duke Energy Progress, Inc. (Duke Energy) pursuant to section 224 of the Communications Act of 1934, as amended,² and section 1.1401 *et seq.* of the Commission's rules (Complaint).³ Duke Energy filed a response to the Complaint on January 22, 2014, and Frontier filed a reply on February 11, 2014.⁴

2. On November 5, 2015, Frontier and Duke Energy filed a joint motion requesting that the Complaint be dismissed with prejudice because they had settled all claims asserted in the Complaint (Joint Motion).⁵

3. We are satisfied that granting the Joint Motion will serve the public interest by promoting the private resolution of disputes, eliminating the need for further litigation, and conserving the resources of the parties and this Commission.

¹ Pole Attachment Complaint, Proceeding No. 14-213, File No. EB-13-MD-007 (filed December 9, 2013).

² 47 U.S.C. § 224.

³ 47 C.F.R. §§ 1.1401 -1.1424.

⁴ Response to Pole Attachment Complaint, Proceeding No. 14-213, File No. EB-13-MD-007 (filed January 22, 2014); Reply of Frontier Communications of the Carolinas LLC, Proceeding No. 14-213, File No. EB-13-MD-007 (filed February 11, 2014).

⁵ Joint Motion to Dismiss Formal Complaint, Proceeding No. 14-213, File No. EB-13-MD-007 (filed November 5, 2015).

4. Accordingly, **IT IS ORDERED**, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 224, and Commission rules 0.111, 0.311, and 1.1401-1.1424, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1424, that the Joint Motion is **GRANTED**, and that this proceeding is **DISMISSED WITH PREJUDICE**.

FEDERAL COMMUNICATIONS COMMISSION

Christopher L. Killion
Chief, Market Disputes Resolution Division
Enforcement Bureau